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EXAMINER

LEE, PHILIP C

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/997,477

Applicant(s)

ROTHSCHILD, LEIGH M.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 37-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 are presented for examination and claims 37-42 are withdrawn from consideration.
2. Applicant's election with traverse of Group I, claims 1-36 in the reply filed on 06/27/2007 is acknowledged. The requirement is still deemed proper and is therefore made FINAL.

Objection

3. Claims 1-36 are objected to because of the following informalities or grammar errors: As per claims 1-36 (line 1), "An interactive, multi-user media delivery system" should be "The interactive, multi-user media delivery system"; As per claims 1 (line 7), 8 (line 2) and 10 (lines 3-4), "said media storage mediums", "said storage medium" should be "said storage mediums" as in claim 1, lines 3-4. As per claims 5 (line 3) and 27 (lines 3-4), "said plurality of media players" should be "said plurality of said media players". As per claims 19 (line 4), 21 (line 4) and 30 (line 5), "said media player" should be "each of said media players" as in claim 13, line 3

Claim Rejections – 35 USC 112

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4. Claims 4-7, 10, 12, 15 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. said control assemblies – claims 4 and 5.
 - ii. said slave units – claims 6, 7 and 10.
 - iii. said interactive links – claim 25.
 - iv. said activation assembly – claim 27.
- b. Claim language in the following claims is not clearly understood:
 - v. As per claim 4, lines 2-3, it is unclear if “a plurality of said media players” refers to “a plurality of said media players” in claim 3, line 2 (i.e., if they are the same, then phrase such as “the plurality of said media players” or “said plurality of said media players” should be used).
 - vi. As per claim 10, line 3, it is unclear what is the term “each” refers to?
 - vii. As per claim 12, lines 3-4, it is unclear if “a communicative link” refers to “a communicative link” in claim 1, lines 15-16.
 - viii. As per claim 15, line 3, it is unclear if “selective messaging communication” refers to “selective messaging communication” in claim 13, lines 4-5 (i.e., if they are the same, then terms such as “the” or “said” should be used).
 - ix. As per claim 15, line 4, it is uncertain if “users of said media players” refers to “users of said media players” in claim 13, line 5.

- x. As per claim 22, line 5, it is unclear if “a user” refers to “said user” in claim 19, line 4.

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 10-18, 29-31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, U.S. Patent 4,785,472 (hereinafter Shapiro) in view of Staffer, U.S. Patent 5,087,980 (hereinafter Staffer).

7. As per claim 1, Shapiro teaches the invention substantially as claimed comprising:
at least two media storage mediums (e.g., video cassettes), each of said storage mediums at least containing a particular media selection (col. 10, lines 18-21) (video cassettes containing lecture for students and teacher);
at least two media players (16, 16', fig. 1) (video players) structured to selectively deliver said media selection to a user from a corresponding one of said media storage mediums (col. 7, lines 36-46; col. 9, lines 16-18)(deliver media (lecture) to user from a media storage medium (video cassettes));

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each of said media player including a control assembly (8, 8', fig. 1)(computer) structured to selectively control and regulate delivery of said media selection to the user (col. 7, lines 51-54; col. 11, lines 17-24)(digital computers to control the operation of video players);

at least one of said media players being selectively designatable as a slave unit (col. 10, lines 36-38) (slave video display control program loaded on the digital computer (8', fig. 1) at the student stations);

a master control assembly operatively associated with said media players (col. 10, lines 47-49) (master video display control program stored in the digital computer 8 at the teacher station);

a connectivity assembly (124, fig. 1) structured to establish a communicative link at least between said slave unit and said master control assembly (col. 10, lines 21-25) (telephone system interconnecting teacher station and student stations); and

said master control assembly structured to simultaneously and uniformly control said delivery of said media selection by said media players (col. 5, line 67-col. 6, line 12) (digital computer 8 at teacher station can be used to cause the video players 16' at student stations to play, to scan forward, to pause, etc. at the same time).

8. Although Shapiro teaches said control assembly structured to receive synchronization data (timing signals) from said media player (col. 12, lines 19-22), however, Shapiro does not teach master control assembly structured to receive synchronization data from each of said media players. Staffer teaches a master control assembly structured to receive synchronization data

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from each of said media players (col. 5, lines 16-23; col. 7, lines 3-7) (computer 14 receives time codes from playback units).

9. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro and Staffer because Staffer's teaching of master control assembly for receiving synchronization data from each of the media players would enhance the synchronization mechanism of Shapiro's system by allowing adjustment of the speed of the players to ensure common offsets are maintained between the various time codes, thereby ensuring that the various players are operating at a common speed.

10. As per claim 2, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches wherein said control assembly of one of said media players defines said master control assembly (col. 10, lines 47-49).

11. As per claim 3, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches including a plurality of said media players communicatively associated with at least said master control assembly via said connectivity assembly (col. 7, lines 17-18; col. 9, lines 16-19).

12. As per claim 4, Shapiro and Staffer teach the invention substantially as claimed in claim 3 above. Shapiro further teaches wherein said control assemblies of a plurality of said media players may selectively define said master control assembly (col. 10, lines 47-49).

13. As per claim 5, Shapiro and Staffer teach the invention substantially as claimed in claim 3 above. Shapiro further teaches wherein only one of said control assemblies of said plurality of media players may define said master control assembly at one time (col. 10, lines 47-49) (only one of plurality of digital computers 8 and 8' is a master control at teacher stations)

14. As per claim 6, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches including a plurality of said media players designated as said slave units (col. 10, lines 36-38, 44-47).

15. As per claim 7, Shapiro and Staffer teach the invention substantially as claimed in claim 6 above. Shapiro further teaches wherein said master control assembly is structured to provide selective control authority over all of said slave units to a select one of said slave units (col. 11, line 27-col. 12, line 6).

16. As per claim 10, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches including a plurality of said media players designated as said slave units (col. 10, lines 36-38, 44-47) and each including said storage medium with said media selection (col. 10, lines 18-20, 28-31).

17. As per claim 11, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches wherein said connectivity assembly includes a computerized

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network connection (col. 10, lines 21-25) (telephone system 124 connected to digital computer 8 at teaches station).

18. As per claim 12, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches wherein each of said media players includes said connectivity assembly structured to establish a communicative link with a computerized network (fig. 1)(16 and 16' include connections to establish link with 124).

19. As per claim 13, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro further teaches comprising a messaging assembly operatively associated with each of said media players (col. 6, lines 33-46).

20. As per claim 14, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly is structured to facilitate said selective messaging communication initiated by an operator of said master control assembly (col. 6, lines 36-41).

21. As per claim 15, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly is structured to facilitate selective messaging communication initiated by users of said media players (col. 6, lines 14-16, 28-46) (messaging response initiated by students questions).

22. As per claim 16, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly includes a messaging interface operatively associated therewith and structured to receive a message for communication to at least one of said media players (col. 6, lines 36-46).

23. As per claim 17, Shapiro and Staffer teach the invention substantially as claimed in claim 16 above. Shapiro further teaches wherein each of said media players includes said messaging interface (fig. 1)(keyboards of teacher and students stations associated with each video players).

24. As per claim 18, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly is structured to permit selective communication of a message to at least a select one of said media players (col. 6, lines 52-55).

25. As per claim 29, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly includes a text messaging assembly structured to communicate a message visibly utilizing a monitor associated with said delivery of said media selection (col. 6, lines 36-46).

26. As per claim 30, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly includes an audio

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messaging assembly structured to communicate a message audibly utilizing an audio system associated with said media player (col. 6, lines 14-18, 28-31).

27. As per claim 31, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro further teaches wherein said messaging assembly includes a video messaging assembly structured to communicate a message visibly utilizing a monitor associated with said delivery of said media selection (col. 6, lines 33-46).

28. As per claim 34, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Staffer further teaches wherein said synchronization data includes a location designator associated said media selection (col. 4, lines 60-65).

29. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro and Staffer for the same reason as set forth in claim 1 above.

30. As per claim 35, Shapiro and Staffer teach the invention substantially as claimed in claim 34 above. Staffer further teaches wherein said location designator includes a time code of said media selection (col. 4, lines 60-65).

31. As per claim 36, Shapiro and Staffer teach the invention substantially as claimed in claim 34 above. Staffer further teaches wherein said location designator includes a track number of said media selection (col. 4, lines 60-65)(e.g., "1:08:10:12").

32. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro and Staffer in view of Dagtas, U.S. Patent 7,136,571 (hereinafter Dagtas).

33. As per claim 8, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro and Staffer do not specifically teach digital storage mediums. Dagtas teaches wherein said media storage mediums include digital storage mediums (col. 3, lines 50-54) (e.g. DVD).

34. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Dagtas because Dagtas's teaching of digital storage mediums would increase the flexibility of Shapiro's and Staffer's systems by allowing playback of media from different types of storage mediums.

35. As per claim 9, Shapiro, Staffer and Dagtas teach the invention substantially as claimed in claim 8 above. Dagtas further teach wherein said digital storage mediums include any digital storage medium containing standard playback encoding (col. 3, lines 50-54) (e.g., CD, DVD).

36. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Dagtas for the same reason as set forth in claim 8 above.

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37. Claims 19-24, 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro and Staffer in view of Pantoja, U.S. Patent Application Publication 2003/0115598 (hereinafter Pantoja).

38. As per claim 19, Shapiro and Staffer teach the invention substantially as claimed in claim 13 above. Shapiro and Staffer do not teach a communication shell. Pantoja teaches wherein said messaging assembly includes a communication shell (101 comprising windows 104, 105, 106, fig. 7) associated with a delivery of a message to said user of said media player ([0057]) (windows associated with a delivery of text to user of media player).

39. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Pantoja because Pantoja's teaching of communication shell would increase the functionality of Shapiro's and Pantoja's systems by providing a means for communication between users while media selection is being playback.

40. As per claim 20, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 19 above. Pantoja further teach wherein said communication shell is structured to deliver promotional materials to said user in association with said message ([0060]).

41. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Pantoja for the same reason as set forth in claim 19 above.

42. As per claim 21, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 20 above. Pantoja further teach wherein said communication shell includes a messaging display structured to be displayed on a monitor associated with said media player ([0057]), said messaging display including said promotional materials ([0060]) (e.g., advertisements) and said message ([0057]) (e.g., text).

43. As per claim 22, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 19 above. Pantoja further teach wherein said communication shell includes at least one interactive link (URL/hyperlink 96), said messaging assembly including a messaging interface structured to permit selective activation of said interactive link by a user ([0056], [0057]).

44. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Pantoja for the same reason as set forth in claim 19 above.

45. As per claim 23, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 22 above. Pantoja further teach wherein said interactive link is structured to initiate delivery of additional materials to said user when activated ([0056]) (content retrieved from a hyperlink).

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46. As per claim 24, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 22 above. Pantoja further teach comprising a master processor assembly ([0038])(CPU) communicatively associated with said media players and structured to receive activation information associated with user activation of said interactive link from said messaging assembly of a particular media player ([0056]).

47. As per claims 28 and 32, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro and Staffer do not teach a communication shell. Pantoja teaches a communication shell structured to deliver promotional materials to said user in association with said media selection ([0060]).

48. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Pantoja because Pantoja's teaching of communication shell would increase the functionality of Shapiro's and Pantoja's systems by providing a means for communication with the users while media selection is being playback.

49. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro and Staffer in view of Fasciano et al, U.S. Patent 5,467,288 (hereinafter Fasciano).

50. As per claim 33, Shapiro and Staffer teach the invention substantially as claimed in claim 1 above. Shapiro and Staffer do not teach include a title of said media selection. Fasciano

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teaches wherein said synchronization data includes a title of said media selection (fig. 5; col. 7, lines 45-54) (name of the clip).

51. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer and Fasciano because Fasciano's teaching of synchronization data would increase the alertness of Shapiro's and Staffer's systems by providing additional information to indicate the playback of a media is in synchronization.

52. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, Staffer and Pantoja in view of Du Val et al, U.S. Patent Application Publication 2002/0016820 (hereinafter Du Val).

53. As per claim 25, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 24 above. Although Pantoja teaches including a plurality of said interactive links (URLs, 96, fig. 6), however, Shapiro, Staffer and Pantoja do not teach said interactive links representing a user response to a query. Du Val teaches including a plurality of interactive links, each of said interactive links representing a user response to a query ([0025] and [0030]) (interactive data (list of hyperlinks, fig. 3) is response to a request for current live data from client computers).

54. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer, Pantoja and Du Val because Du Val's teaching of

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interactive links would enhance the communication of their systems by providing a means for retrieving additional related contents via the utilization of pointers.

55. As per claim 26, Shapiro, Staffer and Pantoja teach the invention substantially as claimed in claim 24 above. Shapiro, Staffer and Pantoja do not teach receiving and processing activation information from a plurality of said media players. Du Val teaches including a master processor assembly (server 108) is structured to receive and process said activation information from a plurality of said media players ([0044])(server 108 receive and process event selection from client computers).

56. It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Shapiro, Staffer, Pantoja and Du Val because Du Val's teaching of receive and process activation information would enhance the communication of their systems by providing a means for retrieving additional related contents via the utilization of pointers.

57. As per claim 27, Shapiro, Staffer Pantoja and Du Val teach the invention substantially as claimed in claim 26 above. Pantoja and Du Val further teach wherein said master processor assembly is responsive to said activation assembly from said plurality of media players (see Du Val, [0044]) and is structured to communication instructions to said master control assembly in connection therewith (see Pantoja, [0038], [0056]).

CONCLUSION

58. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendrickson, US 5,365,579; Gallo et al, US 2002/0161797; Borman et.al, US 6,226,655.

59. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

A handwritten signature in cursive script, appearing to read "Philip C Lee".